

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JACQUELINE C. DU BOIS, §
§
Plaintiff, §
§
v. § Civil Action No. **3:17-CV-2668-L**
§
MARTIN LUTHER KING, JR., FAMILY §
CLINIC d.b.a. FOREMOST FAMILY §
HEALTH CENTERS, §
§
Defendant. §

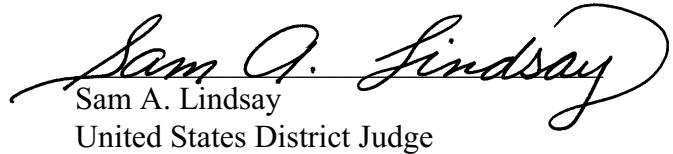
ORDER

On August 15, 2019, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 32) were entered, recommending that the court grant Defendant Martin Luther King, Jr., Family Clinic d.b.a. Foremost Family Health Centers’s Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(6) (“Motion”) (Doc. 29), filed January 10, 2019, to which no response was filed, and dismiss with prejudice the remaining employment law claims in Plaintiff’s Amended Consolidated Complaint, for alleged: “(1) violation of the Equal Pay Act; (2) violations of ‘Title VII of the Civil Rights Act;’ (3) violations of the Age Discrimination ‘in the Employment Act;’ and (4) retaliation.” Report 4. Despite the magistrate judge’s express instructions for objecting to the Report and the consequences for failing to object timely, Plaintiff electronically filed objections to the Report on August 30, 2019, without leave of court, one day after expiration of the fourteen-day deadline for filing objections. *See Report 15.*

Having reviewed the Motion, pleadings, and Report, the court determines that the findings and conclusions of the magistrate judge (Doc. 32) are correct, and **accepts** them as those of the court. As Plaintiff’s objections were filed untimely and without leave of court, the court does not consider

them in ruling on Defendant's Motion. Even if the court considered the objections, it would not affect its ruling. Accordingly, the court **grants** Defendant's Motion (Doc. 29), and **dismisses with prejudice** this action and Plaintiff's remaining claims for: "(1) violation of the Equal Pay Act; (2) violations of 'Title VII of the Civil Rights Act;' (3) violations of the Age Discrimination 'in the Employment Act;' and (4) retaliation." Report 4. Plaintiff has not requested to further amend her pleadings, and the court determines that she should not be allowed to do so because she did not respond to the Motion; she was given the opportunity to amend her pleadings in this consolidated action; this is her third lawsuit against Defendant; and the magistrate correctly determined that her remaining claims fail as a matter of law. Plaintiff also maintains in her objections that she has pleaded valid claims, which means to the court that she has pleaded her best case. Allowing further amendment under these circumstances would be futile and unnecessarily delay the resolution of this action, which has been pending for almost two years.

It is so ordered this 30th day of August, 2019.



Sam A. Lindsay
United States District Judge